IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 1293 of 2007(D)

PETITIONER:

V. KARUNAKRAN PILLAI, S/O.VELAYUDHAN
PILLAI, KAIPPALLIL PADINJATTATHIL,
NEERAVIL, PERINADU P.O., KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOLLAM.

3. THE DISTRICT OFFICER, OFFICE OF
ANIMAL HUSBANDRY, COLLECTORATE, KOLLAM.

4. ASSISTANT DIRECTOR,
CALF FEED SUBSIDY SCHEME,
KOTTIYAM, KOLLAM.

5. THE ACCOUNTANT GENERAL (A & E) KERALA,
THIRUVANANTHAPURAM.

6. THE SPECIAL DEPUTY TAHSILDAR (R.R.)
KERALA STATE FINANCIAL ENTERPRISES LTD.,
KOLLAM.

7. THE TREASURY OFFICER,
PENSION PAYMENT TREASURY, KOLLAM.

BY ADV. SRI.M.SASINDRAN, SC, K.S.F.E., LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON 10/10/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE LETTER ISSUED BY THE 5TH RESPONDENT DATED 14/08/2006.

P2 : COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT DATED 04/07/2006.

P3 : COPY OF THE CIRCULAR ISSUED BY THE COLLECTORATE DATED 29/03/2004.

P4 : COPY OF THE REPRESENTATION OF THE PETITIONER DATED 04/12/2006.

// TRUE COPY //

PA TO JUDGE.

jg

V.GIRI, J.

WP(C) No. 1293 of 2007

Dated, this the 10th day of October, 2007

J U D G M E N T

The petitioner retired from service, while working in the Department of Animal Husbandry. According to him, an amount of Rs.46,116/- is due to him as DCRG. The same was not disbursed to him. Hence this writ petition.

2. In the counter affidavit filed by the respondents, reference is made to the fact that the commuted value of pension has been paid to the petitioner. It is contended that the Accountant General has sanctioned an amount of Rs. 46,116/- as DCRG to the petitioner, but the same was not disbursed on account of the fact that two prohibitory orders for recovery of Rs. 1,18,485/- and Rs.24,804/- was received from the Special Deputy Tahsildar, Kerala State Financial Enterprises. Apparently, the petitioner has stood as a surety for another person at the time of prizing a chit conducted by the KSFE. A liability of Rs. 1,92,575/- is therefore noted against the petitioner. This has been intimated vide letter dated 17/11/2006.

3. I note that under Ruling No. 1, Rule 3 of Part III of KSR,

the amounts due from a Government Employee or Pensioner to Government Companies etc. though not treated as Government dues may be recovered from the DCRG payable to him with his consent in writing. In the counter affidavit filed by the KSFE, it is contended that the petitioner has given consent to recover the amount from his salary as also from his retirement benefits.

4. In the circumstances, where the amount noted as liability, in so far as the petitioner is concerned is much higher than the amount due to him as DCRG, I am not inclined to issue a direction to the respondents to issue NLC or to disburse the gratuity due to the petitioner. This writ petition is therefore, dismissed without prejudice to the right of the petitioner to challenge the liability fixed against him, if permissible and if so advised, in accordance with law.

(V.GIRI, JUDGE.)

jg